IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5614 of 2007()

CRIME NO.228/2007 OF CHANGARAMKULAM POLICE STATION

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PETITIONERS/ACCUSED 3 & 4

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1. RAJESH @ BHARATHA RAJESH, S/O.RAJAN,
   AGED 22 YEARS, PULINILKUMTHARAYIL HOUSE,
   THRIKKUR PANCHAYAT, NEAR BHARATAHA KAPELA,
   THRISSUR DISTRICT.

2. RAJESHKUMAR, @ VETHALAM RAJESH,
   S/O.NARAYANANGATTIL RAVI, AGED 28 YEARS,
   MUTHEDATH, OLLUR PANCHAYAT, THRISSUR.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTING CIRCLE INSPECTOR OF POLICE,
PONNANI, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5614 of 2007

Dated this the 19th day of September 2007

O R D E R

Application for regular bail. The petitioners are accused 3 and 4. Altogether there are ten accused persons. They face allegations inter alia under Sections 302 and 396 I.P.C. The crux of the allegations is that the petitioners had conspired to attack and rob one Suffwann who was allegedly a carrier/distributor of Hawala amounts. The miscreants, who came in a Qualis car allegedly took the said Suffwann forcibly into their custody to the said vehicle and sped away from the scene where the said Suffwann had reached for the purpose of distribution of money. Inside the car, the said victim was attacked, robbed and stabbed also. He was thrown out of the vehicle. He succumbed to the injury suffered by him. Crime has been registered. In the course of investigation, it has been ascertained that the petitioners, along with other accused were available in the vehicle at the relevant time. Investigation is in progress. Petitioners were arrested on 10/7/2007 and 11/7/2007. Some of the co-accused, that is accused 7 and 10 have not been arrested so far.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent of the allegations levelled against them. It is prayed that the petitioners who have remained in custody for the past more than two months may now be enlarged on bail.

3. The learned Public Prosecutor vehemently opposes the application. Considering the nature of the crime, very serious view deserves to be taken. Satisfactory data has been collected by the investigating officer to show the complicity of the petitioner. The investigating officer may be given reasonable further time to complete the investigation. In any view of the matter, the petitioners do not deserve to be enlarged on bail at this stage, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the objection raised by the learned Public Prosecutor. I am satisfied that there is merit in the submission that in a serious crime like this, the investigators are entitled to some further time to complete the investigation. I do further note that some of the accused persons have not been arrested yet.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court for bail again at later stages of the investigation not, at any rate, prior to 03/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007